

EXHIBIT H

Affidavit

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

X

IN RE: TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03 MDL 1570 (GBD)

X

THIS DOCUMENT RELATES TO:

Fiona Havlish, et al. v. Bin-Laden, et al.
03 CV 9848 (GBD)

This document is filed on behalf of those Plaintiffs in the above case seeking unliquidated damages for losses as they relate to personal injuries and deaths suffered by victims of the September 11th Terrorist Attacks. Those Plaintiffs are listed in Exhibit A attached hereto.

AFFIDAVIT FOR ENTRY OF JUDGMENT BY DEFAULT

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF BUCKS)

STEPHEN A. CORR, ESQUIRE, being duly sworn, deposes and says:

1. I am an attorney with Mellon, Webster & Shelly, counsel for the *Havlish* Plaintiffs in the above-captioned action. I am familiar with all the facts and circumstances in this action, and I am admitted to practice in this court by virtue of the Rules of Procedure governing the administration of this Multi-District Litigation.

2. I make this Affidavit under Rule 55.1(a) and 55.1(b) of the Local Civil Rules of the Southern District of New York, in support of the *Havlish* Plaintiffs' application for the entry of judgment by default against the Non-Sovereign Defendants listed in Exhibit B attached to Plaintiffs' Motion.

3. This is an action to recover damages owed by Defendants to the *Havlish* Plaintiffs for personal injuries, wrongful deaths and other injuries resulting from the terrorist

attacks upon the United States on September 11, 2001 (the “9/11 Terrorist Attacks”). The Non-Sovereign Defendants listed in Exhibit B have been sued in this action based on their participation in, and material support for, acts of international terrorism against the United States, its nationals and allies, of which the 9/11 Terrorist Attacks were a direct, intended and foreseeable result.

4. Jurisdiction arises pursuant to 28 U.S.C. §§ 1330(a), 1331 and 1332(a)(2) and 18 U.S.C. § 2388. Jurisdiction also arises based on defendants’ violations of 28 U.S.C. §§ 1605(a)(5) and (a)(7) (the Foreign Sovereign Immunities Act), 28 U.S.C. §1350 (“Alien Tort Act”), the Torture Victim Protection Act, PL 102-256, 106 Stat. 73 (reprinted at 28 U.S.C.A. §1350 note (West 1993)), and 18 U.S.C. §2333.

5. Plaintiffs commenced this action in the United States District Court, District of Columbia, by filing a Complaint on February 19, 2002 under docket number 1:02-cv-00305-JR. By Order dated May 9, 2002, the Honorable James Robertson permitted Plaintiffs to serve the Non-Sovereign Defendants by publication, and Plaintiffs perfected service by publication as set forth in their Affidavit of Service of Original Process Upon All Defendants which was filed in the U.S.D.C., District of Columbia on November 1, 2002. See Exhibit D attached to Plaintiffs Motion for Entry of Judgment by Default.

6. The Non-Sovereign Defendants have failed to answer or otherwise defend against this action, and the time for these defendants to answer or otherwise defend against this action has long since expired. The clerk has made a notation of the Non-Sovereign Defendants’ default. See Exhibit G attached to Plaintiffs’ Motion for Entry of Judgment by Default.

7. I certify that the Non-Sovereign Defendants are not infants, incompetent persons or in service as members of the United States military.

8. The *Havlish* Plaintiffs listed in Exhibit A to Plaintiffs' Motion for Entry of Judgment by Default have suffered personal injuries and/or represent the Estates of those who suffered personal injuries, death and other injuries as a result of the 9/11 Terrorist Attacks.

9. This action seeks judgment for unliquidated damages in an amount to be determined by the Court, for personal injuries and deaths suffered by the victims of the 9/11 Terrorist Attacks, which amount is justly due and owing, and no part of which has been paid.

10. The disbursements sought to be taxed have been made in this action or will necessarily be made herein.

WHEREFORE, the Plaintiffs in *Havlish, et al. v. bin-Laden, et al.*, 03-cv-9848, 03 MDL 1570 (originally filed in the U.S.D.C., District of Columbia under docket number 02-cv-00305), and specifically the individuals listed in Exhibit A attached to Plaintiffs' Motion, respectfully request the entry of Judgment by Default against the Non-Sovereign Defendants, and a hearing before the Court to establish the aggregate value of the *Havlish* Plaintiffs' unliquidated damages.



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Sworn to and subscribed before me
this 29th day of August, 2008


Notary Public
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Maria A. Faunce, Notary Public
Doylestown Boro, Bucks County
My Commission Expires Feb 22, 2011
Member, Pennsylvania Association of Notaries